

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF VIRGINIA  
3 Richmond Division  
4  
5

6 DAVID WILLIAM WOOD, )

7 Plaintiff, )

8 v. ) Civil Action No.:

9 EQUIFAX CREDIT INFORMATION ) 3:15CV594(MHL)

10 SERVICES, LLC, et al., )

11 Defendants. )  
12  
13  
14

15 VIDEO DEPOSITION UPON ORAL EXAMINATION

16 OF DAVID WILLIAM WOOD

17 TAKEN ON BEHALF OF DEFENDANT CREDIT ONE BANK, N.A.

18 Newport News, Virginia

19 July 14, 2016  
20  
21  
22  
23  
24

25 Job No. CS2331616

1 something like -- some disability?

2 Q. Okay. And thank you for doing that. If  
3 there's any question I ask that you don't understand,  
4 please ask me to restate it, clarify it, or -- or explain  
5 it, and I will do that.

6 So what I'm asking is, first of all, do you  
7 have any physical limitations that I should know about  
8 today. For instance, you indicated that you were in a car  
9 accident.

10 So do you have problems sitting for a  
11 prolonged period of time? Do you need to take breaks  
12 certain periods of time so you can get up and move around?  
13 Anything like that.

14 A. As far as I'm aware of, no.

15 Q. Okay. Are there any time limitations today?  
16 Do you have an appointment later on today or someplace you  
17 have to be that I need to be aware of?

18 A. Not that I can recall at the moment.

19 Q. Okay. Now, if I ask a question and you  
20 respond to the question, I'm going to assume that you  
21 understood the question and the answer that you're giving  
22 is responsive to that. Is that fair?

23 A. Yes.

24 Q. Okay. Mr. Wood, what is your current  
25 address?

1           A.       2710 Wickham Avenue, Newport News, Virginia  
2       23607.

3           Q.       And how long have you lived at that address?

4           A.       About a year.

5           Q.       And do you live by yourself or with anyone  
6       else?

7           A.       By myself.

8           Q.       So it would have been from about July of 2015  
9       to present; is that correct?

10          A.       I don't know the specific date that I moved  
11       in there. But it's been about a year.

12          Q.       Okay. Where are you -- are you employed?

13          A.       Yes.

14          Q.       Where are you employed?

15          A.       Eastern State.

16          Q.       What do you do there?

17          A.       I'm a CNA.

18          Q.       Do you have a professional license in the  
19       State of Virginia?

20          A.       Yes.

21          Q.       How long have you held that license?

22          A.       Since about 2012.

23          Q.       And have you held that license continuously?

24          A.       Yes.

25          Q.       Before living at 2710 Wickner (sic) Avenue,

1 where did you live?

2 A. I can't remember the correct number address,  
3 but it was something similar to 15-something River Bend  
4 Trail, Lanexa, Virginia.

5 Q. How long did you live at that address?

6 A. About six or seven months.

7 Q. So from about the beginning of July of 2015?

8 A. I don't know the exact date.

9 Q. Okay. And between your move between River  
10 Bend Trail and Wickner Avenue, did you temporarily reside  
11 any -- anywhere else, or did you move from one place to  
12 the other?

13 A. Yes. I lived at -- I can't remember the  
14 numbers of it correctly, but it was in Williamsburg for a  
15 short period of time.

16 Q. Like days? Weeks?

17 A. Whatever the gap is in between the two.

18 Q. Okay. Since I don't have dates, I don't know  
19 what the gap is, but --

20 A. I didn't write down the dates, so --

21 Q. All right. So it was a Williamsburg address,  
22 though?

23 A. Yes.

24 Q. Between the River Bend Trail residency and  
25 the Wickner Avenue residency; is that correct?

1 A. Yes.

2 Q. Do you remember the street that it was on?

3 A. Centerville.

4 Q. Centerville. Did you live by yourself or  
5 with someone else?

6 A. No. I stayed -- there was a room to rent. I  
7 rented a room.

8 Q. Okay. Rented a room. And who did you rent  
9 that room from?

10 A. A man named Wayne Davis.

11 Q. Do you know -- okay. The River Bend Trail  
12 residency, where did you reside before then?

13 A. Before River Bend Trail?

14 Q. Yes.

15 A. It was -- I don't remember the number address  
16 again, but it was 30-something Chelsea Road, West Point,  
17 Virginia.

18 Q. How long did you live there?

19 A. I'd say that was about a year. Maybe two.

20 Q. Did you live with someone?

21 A. I rented a room again.

22 Q. Rented a room? Was it like in a house or --

23 A. Yes.

24 Q. Okay. And who -- who did you rent from?

25 A. Jennifer Maynard Brannon.

1 Q. And between living at Chelsea Road and River  
2 Bend Trail, did you stay anywhere else temporarily?

3 A. Not that I can recall. This is going pretty  
4 far back on the time line, however.

5 Q. Okay. So -- and we're back now at the  
6 Chelsea Road to 2013 maybe?

7 A. I don't know.

8 Q. Okay. Where did you live before the Chelsea  
9 Road?

10 A. I can't remember if it was either my  
11 grandmother's house or my mother's house. Both were in  
12 New Kent.

13 Q. And do you recall the address?

14 A. I do not.

15 Q. It's in New Kent? You don't remember the  
16 street name?

17 A. No.

18 Q. How long did you live there?

19 A. I don't know.

20 Q. Do you recall where you lived before living  
21 at -- in New Kent with either your grandmother or mother's  
22 house?

23 A. My mother at some point along the time line  
24 moved back into West Point and jumped back and forth  
25 between New Kent and West Point. So it's difficult to

1 place exactly where on the time line without a specific  
2 date. And then even then I wouldn't recall it.

3 Q. Okay. So you were living with her during  
4 this time period that she was moving back and forth?

5 A. Yes.

6 Q. Okay. And you said West Point. What was the  
7 address in West Point that she moved between?

8 A. 21st Street.

9 Q. 21st Street? Have you ever lived at 8315  
10 Mill Creek Road, West Point, Virginia?

11 A. Yes. That is the -- sounds like the New Kent  
12 address for my grandmother.

13 Q. Okay. So you said that was in New Kent. Is  
14 that New Kent County that you're referring to or New Kent  
15 as a city?

16 A. It has a West Point address. Pay New Kent  
17 taxes.

18 Q. Okay. All right. So just so I'm clear, you  
19 did live for a period of time at 8315 Mill Creek Road,  
20 West Point, Virginia; is that correct?

21 A. Yes.

22 Q. Okay. Have you ever lived at 8120 Kentwood  
23 Avenue, West Point, Virginia?

24 A. Yes.

25 Q. When was that? Do you recall?

1           A.       Quite a while ago.

2           Q.       Are you able to be more specific?

3           A.       No.

4           Q.       Have you ever lived at 2115 Lee Street?

5                   MR. MARCHIANDO: Chris, do you have a  
6 document you're reading from? Are these your notes?

7                   MR. SEARS: I am reading from a document,  
8 yes.

9                   MR. MARCHIANDO: Do you have a document you  
10 can show the witness?

11                  MR. SEARS: I'm not -- I mean, I have  
12 documents, but I don't want to move to documents. I'm  
13 just asking him a question of whether or not he has lived  
14 at a specific address.

15                  MR. MARCHIANDO: Okay. I'm asking if we  
16 could please see the document that you're reading these  
17 addresses from.

18 BY MR. SEARS:

19           Q.       Sir, do you need to see a document in order  
20 to answer my question of whether or not you've ever lived  
21 at 2115 Lee Street?

22           A.       If you have a time line of previous addresses  
23 I've lived at, yes, that would greatly help.

24           Q.       I -- I don't have a -- a time line. I  
25 have -- and I don't know whether or not you've lived at



1 these addresses. That's why I'm asking you.

2 A. If you have any information on previous  
3 addresses I may have lived at, that would be helpful to  
4 help me recall.

5 Q. All right. So let me ask you this question  
6 then. You don't -- you don't specifically recall at this  
7 time whether or not you lived at 2115 Lee Street, West  
8 Point, Virginia. But you would need to see some document  
9 to refresh your recollection; is that correct?

10 A. I believe that's what I just said. Yes.

11 Q. Okay. Do you -- we'll come back to that  
12 later then. Okay? Do you recall living at any other  
13 addresses other than what we have just gone over?

14 A. To my memory, there was one in Zuni. I do  
15 not remember any details on that. That's really far back  
16 on the time line.

17 Q. How do you spell that?

18 A. Z-u-n-i.

19 Q. Is that in Virginia?

20 A. Yes.

21 Q. Have you always lived in Virginia? Lived in  
22 any other state?

23 A. Always lived in Virginia.

24 Q. Have you ever received mail at any address  
25 other than what we have gone through?

1           A.       I have never received mail anywhere besides  
2 those addresses.

3           Q.       Okay. Have you -- are you familiar with a  
4 Post Office Box 725 in West Point, Virginia?

5           A.       Yes. That's -- in the West Point that's the  
6 only way to get mail.

7           Q.       Okay. Why is that? Do they not have  
8 delivery to specific physical addresses?

9           A.       They do not.

10          Q.       Okay. And did you receive mail at West  
11 Point -- I'm sorry -- at P.O. Box 725 in West Point,  
12 Virginia?

13          A.       Yes. That would have been the West Point  
14 address that I lived at's mailing address.

15          Q.       All right. And did you own that post office  
16 box or did someone else own that?

17          A.       I did not own it.

18          Q.       Do you know who owned that post office box?

19          A.       My mother or stepfather. No, I do not know  
20 who owned it.

21          Q.       But you know you did not own it; is that  
22 correct?

23          A.       I did not own it.

24          Q.       Okay. Did you have access to that post  
25 office box?

1           A.       Sometimes.

2           Q.       What do you mean by sometimes? Can you  
3 explain that for me?

4           A.       By law, you're not allowed to make a copy of  
5 the post office box key.

6           Q.       Uh-huh.

7           A.       There was only one key.

8           Q.       Okay. So sometimes you would have the key  
9 and sometimes you would not have the key? Is that what  
10 I'm understanding your testimony to be?

11          A.       Sometimes I was asked to pick up the mail.

12          Q.       And you were given the key to do so; is that  
13 correct?

14          A.       Yes.

15          Q.       All right. And would you use the Post Office  
16 Box 725 address -- would you give that to other parties  
17 for them to send mail to you during the time that you  
18 lived on Mill Creek Road?

19          A.       No.

20          Q.       What about when you were -- the licensing  
21 board for your CNA? Did you give them the Post Office Box  
22 725 address to send you mail?

23          A.       Licensing board wants the physical address of  
24 where you physically live. I gave them an address where I  
25 could receive mail at that time.

1 Q. And that would be the Post Office Box 725; is  
2 that correct?

3 A. Your question is not clear.

4 Q. Okay. So my question is did you give the  
5 licensing board, Virginia state licensing board that --  
6 for which you have the CNA the Post Office Box 725, West  
7 Point, Virginia, address so that they could send you mail.

8 A. I don't understand if you're trying to be  
9 oddly specific as to ask what address do they have on file  
10 now or has that ever been on file.

11 Q. Yeah. My -- my question is has it ever been  
12 on file with the licensing board that they could send mail  
13 to you at P.O. Box 725, West Point, Virginia.

14 A. I do not recall.

15 Q. Okay. What about Department of Motor  
16 Vehicles? Similar question. Did you have a vehicle, own  
17 a vehicle, or register a vehicle for the State of Virginia  
18 at the time that you lived at the Mill Creek Road address?

19 A. Yes.

20 Q. And did you provide the Department of Motor  
21 Vehicles the Post Office Box 725 address so that they  
22 could send mail to you?

23 A. I had issues getting mail at the post office  
24 box, so it is unlikely that I would use that address to  
25 receive important mail.

1           Q.       Okay. So the question is did you provide the  
2       Post Office Box 725 -- and so let me just clarify what --  
3       what I understand your response is. Do you -- do you  
4       remember? Or, I mean, what is your response? I  
5       understand that you had issues and that maybe you would  
6       not have given out that post office box.

7                     But do you remember whether or not you  
8       provided the Post Office Box 725 to the Department of  
9       Motor Vehicles?

10          A.       To me it sounds like you understand my  
11       answer.

12          Q.       Okay.

13          A.       Perhaps you can reask your question.

14          Q.       Did you provide the Virginia Department of  
15       Motor Vehicles a mailing address of Post Office Box 725,  
16       West Point, Virginia?

17          A.       I don't recall.

18          Q.       What would happen if a piece of mail was  
19       addressed to the 8315 Mill Creek Road address and sent?  
20       Would it go into the post office box, or how would it get  
21       to that address?

22          A.       I believe it would come straight to the  
23       address.

24          Q.       Okay. So they do have physical delivery to  
25       that address?

1           A.       You're in New Kent now. Earlier you were  
2 asking about West Point's post office box system.

3           Q.       Okay. All right. So maybe I misunderstood  
4 your earlier testimony. Let me clarify. I understood  
5 what you said earlier to be that if you lived at 8315 Mill  
6 Creek Road, New Kent/West Point -- it's in New Kent, but  
7 it has a West Point mailing address -- that the only way  
8 you could receive mail was to have it delivered to the  
9 post office box. Is that a correct understanding of your  
10 testimony or incorrect?

11          A.       Incorrect.

12          Q.       Okay. So if you lived at 8315 Mill Creek  
13 Road in New Kent but has a West Point, Virginia, address,  
14 mailing address, and someone sent a letter to 8315 Mill  
15 Creek Road, it would have been delivered to the physical  
16 location.

17          A.       Yes.

18          Q.       Okay. But at the same time that you were  
19 living there, either your mother or your stepfather also  
20 owned a Post Office Box 725 in West Point, Virginia; is  
21 that correct?

22          A.       Yes.

23          Q.       Okay. Why did they, if you know -- do you  
24 know why they had a post office box?

25          A.       That is the only way to receive mail in West

1 Point. There was an address they lived at in West Point.

2 Q. Okay. When you say -- are you talking about  
3 a different address than the 8315 Mill Creek Road?

4 A. Yes. Earlier you asked me about a West Point  
5 address.

6 Q. Well, the address that I'm asking you about  
7 is the 8315 Mill Creek Road, West Point, Virginia. Is  
8 that an address where you resided?

9 A. Yes.

10 Q. Okay. And it is -- is it at that address,  
11 then, that -- well, let me ask you this. If the post  
12 office box is the only way to receive mail for a  
13 unknown-to-me West Point address, what West Point address  
14 are you unable to receive mail but through a post office  
15 box?

16 A. If you could show me that document earlier  
17 that has all those addresses on it, I could maybe recall  
18 it. But as I remember a question earlier, it was like a  
19 21st or a 22nd Street.

20 Q. Oh, okay.

21 A. In West Point.

22 Q. All right. That makes sense then. So  
23 there's a 21st Street, West Point, address that you lived  
24 at. And the only way you could receive mail at that  
25 particular address was through a post office box.

1 A. Yes.

2 Q. Okay. And do you know how -- what period of  
3 time either your mother or stepmother -- or stepfather  
4 owned this post office box?

5 A. No.

6 Q. All right. Now, you had indicated before  
7 that you had issues receiving mail; is that correct?

8 A. Yes.

9 Q. Okay. Tell me about that.

10 A. I would be expecting mail. I would not  
11 receive it.

12 Q. All right. And where would you -- where --  
13 what address were you living at where you expected mail  
14 but did not receive mail? Or addresses.

15 A. Both addresses in New Kent, the address I  
16 can't recall, and West Point --

17 Q. All right. So --

18 A. -- which includes the P.O. box.

19 Q. All right. So that would be the 21st Street  
20 address and the Mill Creek address; is that correct?

21 A. I believe there's one more somewhere in New  
22 Kent.

23 Q. Okay. And so you were expecting mail and you  
24 would not receive mail as you lived at different  
25 addresses. Were the -- the mail that you were expecting



1 and did not receive, was that being sent to the post  
2 office box, to one of the addresses that you were living  
3 at, or a mixture?

4 A. I'm confused with your previous question. I  
5 thought you had asked me which addresses did I have  
6 trouble receiving mail at.

7 Q. Uh-huh.

8 A. And I believe I said the two in New Kent and  
9 the 21st or 22nd Street, West Point, address, which  
10 includes the P.O. box address.

11 Q. All right. So whether the mail was being  
12 sent to one of the addresses in New Kent or the -- one of  
13 the addresses in West Point, including the post office  
14 box, at all those addresses you had issues receiving your  
15 mail; is that correct?

16 A. Yes.

17 Q. Okay. What was the source of those issues?  
18 The issue being that you would not receive your mail; is  
19 that correct? You would expect someone to mail something  
20 to you and you would not receive that mailing. Is that  
21 fair?

22 A. Say that one more time.

23 Q. All right. The issue -- I'm just trying to  
24 be very specific as to what that issue is. And that is  
25 that you expected someone to mail something to you, and

1 you would not receive that mail when you resided at one of  
2 these addresses either in New Kent or in West Point.

3 A. Correct. I would receive virtually no mail.

4 Q. And do you know why?

5 A. No.

6 Q. Did you make any inquiries as to why you were  
7 not receiving mail?

8 A. I don't understand.

9 Q. Did you ask -- did you go to anyone, a family  
10 member or a member of the post office or people sending  
11 you mail, and ask questions as to why you're expecting to  
12 receive mail and not receiving it?

13 A. Yes. I started putting tracking on objects,  
14 but it would still say delivered. I wouldn't get it.

15 Q. Like, for instance, if you're ordering  
16 something by mail, like a product or something, and they  
17 would send it, you would put a tracking number on it so  
18 you could track it, and you still would not receive it  
19 even though it said it was delivered?

20 A. Correct.

21 Q. Is that an example? Okay. And did you do  
22 anything else with regard to your nonreceipt of mail?

23 A. Yes.

24 Q. What else?

25 A. I found if I cleared my schedule and was

1       there when the -- right as soon as the mail was delivered,  
2       I could get everything.

3               Q.       All right. So was it your belief that  
4       someone at the address that it was -- where the mail was  
5       being received was tampering with your mail?

6               A.       That's what it started to look like.

7               Q.       Okay. Do you have that belief as we sit here  
8       today, that you did not receive mail that was intended to  
9       be mailed to you at one of these address because someone  
10       at the mailing address was tampering with your mail?

11              A.       That is what I believe.

12              Q.       Okay. Do you have a belief as to who that  
13       person or persons were?

14              A.       Yes.

15              Q.       And who do you believe was responsible for  
16       that?

17              A.       My mother.

18              Q.       And that's Dyan Lollis?

19              A.       Yes.

20              Q.       And did you confront her about this?

21              A.       Yes.

22              Q.       What did she say?

23              A.       She said I hadn't gotten anything.

24              Q.       Did she ever admit to you that -- that she  
25       was tampering with your mail?

1 A. No.

2 Q. Did you suspect anyone else of tampering with  
3 your mail?

4 A. Yes.

5 Q. Who else did you suspect of tampering with  
6 your mail?

7 A. My aunt.

8 Q. What is your aunt's name?

9 A. Frieda Wood.

10 Q. F-r-e-d-a?

11 A. F-r-i-e-d-a.

12 Q. F-r-i-e-d-a? Wood. Does she live at the  
13 address where you were living at the time you expected to  
14 receive mail?

15 A. She was in and out of many addresses.

16 Q. Did you ever confront Frieda Wood about your  
17 belief that she had possibly tampered with your mail?

18 A. Yes.

19 Q. And what did she say?

20 A. Ask my mom.

21 Q. Ask her what?

22 A. About my mail.

23 Q. All right. So you would -- you would -- you  
24 had a belief that Frieda Wood was tampering with your --  
25 your mail. You made inquiry of her regarding your belief.

1 And she referred you to Dyan Lollis. Is that what you're  
2 telling me?

3 A. Yes. But I'd already suspected both of them.

4 Q. All right. Did Frieda Wood ever admit to you  
5 that she had tampered with your mail?

6 A. I don't understand the question. Did Frieda  
7 admit to tampering with the mail herself, or did Frieda  
8 admit that she knew my mom was tampering with the mail?

9 Q. Okay. Let me ask both. So the first one is  
10 did Frieda ever admit to you that she tampered with your  
11 mail?

12 A. No.

13 Q. Did Frieda ever make any statements to you of  
14 her belief or knowledge as to whether or not Dyan Lollis  
15 was tampering with your mail?

16 A. No. She told me my mom had some mail for me.

17 Q. Is this a specific conversation that you're  
18 recalling or just generally?

19 A. This would be anytime I would bring it up,  
20 these would be the same answers.

21 Q. Okay. So she would say that your mother has  
22 mail for you.

23 A. Yes.

24 Q. Okay. But not that she was -- not --  
25 Frieda -- well, let me ask you this. Did Frieda make any

1 statements suggesting that Dyana (sic) Lollis was  
2 preventing mail from getting to you?

3 A. No.

4 Q. Okay. Did you suspect of anyone -- anyone  
5 else of tampering with your mail?

6 A. No.

7 Q. Did you report your suspicions of anyone  
8 tampering with your mail to any authorities?

9 A. No.

10 Q. Whether it be post office or law enforcement.

11 A. No. I did tell the post office for some  
12 things that were coming to hold the item at location, and  
13 I could get it that way.

14 Q. Okay. When you're living at the four  
15 addresses that we -- well, living at the three addresses  
16 that we just talked about, the 21st Street, the 8315 Mill  
17 Creek Road -- let me reask the question.

18 So we -- we have been talking about problems  
19 that you had in receiving mail while residing at two  
20 addresses in New Kent and one address in West Point and  
21 also problems that you've had in receiving E-mail (sic) at  
22 a post office box located in West Point.

23 Are these the only times that you had  
24 problems receiving mail?

25 A. To my knowledge, that would be the only time

1 I've had a problem receiving mail was when I was staying  
2 at the two addresses in New Kent and then the one with  
3 the P -- which includes the P.O. box in West Point.

4 Q. Okay. What is your educational background?

5 A. I have a GED and some trade school.

6 Q. And when did you get your GED?

7 A. I do not recall.

8 Q. Do you recall the year?

9 A. I do not recall.

10 Q. Where did you attend trade school?

11 A. Riverside School of Nursing.

12 Q. Did you graduate from that school?

13 A. Yes.

14 Q. You receive a degree?

15 A. Yes.

16 Q. What degree was that?

17 A. A certified nurse aide.

18 Q. Do you recall the year that you completed  
19 that program?

20 A. I believe it was 2012.

21 Q. Okay. And have you worked for any other  
22 employers other than Eastern State as a CNA?

23 A. Yes.

24 Q. What other employers have you worked at?

25 A. BAYADA Home Health Care. Dominion Village.

1 Envoy of Westover Hills.

2 Q. Envoy?

3 A. Yes. Hope In Home.

4 Q. Hope In?

5 A. Hope In. Like I have hope in my home.

6 Q. Oh, okay.

7 A. Americare Plus or something similar.

8 Riverside. There are two more. I can't remember their  
9 strange names.

10 Q. Okay. And you worked at all these places  
11 since 2012 or since receiving your CNA?

12 A. Yes.

13 Q. How long have you been at Eastern State?

14 A. Over two years.

15 Q. Have you ever used any of your employers'  
16 addresses to receive mail?

17 A. No.

18 Q. Have you ever used any addresses other than  
19 what we have identified today where you resided and other  
20 than any of the employment -- or employers that you had,  
21 did you use any other addresses to receive mail since  
22 2000 -- January 2013?

23 A. Yes.

24 Q. What other addresses have you used to receive  
25 mail?



1           A.       There's quite a number. I would just use a  
2 friend's address, whoever was going to be available, to  
3 get some mail of importance, be it a registration or a  
4 package.

5           Q.       Okay. So you would use other people's  
6 addresses even though you didn't reside at that address;  
7 is that correct?

8           A.       Yes. I would use other addresses as a  
9 mailing address.

10          Q.       All right. And why was that? I understand  
11 the purpose was to make sure that you received certain  
12 things. But was it because you didn't trust the address  
13 that you were living at to receive the packages, or was  
14 there some other reason why you would use someone else's  
15 address?

16          A.       I did not trust the address that I lived at.

17          Q.       All right. So these -- this use of friends'  
18 addresses, is it fair to say that that would occur during  
19 the time period that you lived at the two New Kent  
20 addresses and the one West Point address that also  
21 received mail through the post office box?

22          A.       Yes.

23          Q.       Do you remember the year that -- or strike  
24 that. I suppose you probably -- well, let me ask. Do you  
25 recall any of the addresses that you used that you didn't

1 live at or work at?

2 A. No, because I had no reason to memorize them.  
3 Most of them I used one time or a handful of times, all of  
4 which the friends gave me them as -- live as I was  
5 updating it.

6 Q. Okay. Sir, do you claim that someone stole  
7 your identity?

8 A. Yes.

9 Q. And who do you believe stole your iden --  
10 your identity?

11 A. My mother.

12 Q. That would be Dyan Lollis?

13 A. Yes.

14 Q. When do you believe that she stole your  
15 identity?

16 A. Around 2012 I became aware that someone had  
17 stolen my identity.

18 Q. All right. So that's -- the first indication  
19 that -- that someone had stolen your identity was in 2012.  
20 At what point did you come to believe that that person was  
21 your mother, Dyan Lollis?

22 A. Some date in October 2015.

23 Q. October 2015?

24 A. Yes.

25 Q. Okay. And how -- did you confront Ms. Lollis

1 regarding your belief that she had stolen your identity?

2 A. Yes.

3 Q. When did you confront her?

4 A. October 2015.

5 Q. And what did -- did she ever admit to you  
6 that she stole your identity?

7 A. Yes.

8 Q. What did she say?

9 A. I owe it to her.

10 Q. Okay. So -- so she -- I'm not going to guess  
11 as to what you mean by that. Explain what you understand  
12 that to mean.

13 A. I asked her a question along the lines of,  
14 Why would you take my identity. She replied with I owe it  
15 to her. But before she said I owe -- I owed it to her,  
16 she -- she then told me she didn't remember it but  
17 obviously it was -- it was her and that I owed it to her.  
18 She gave me a roof over my head, that sort of thing.

19 Q. All right. So let's back up. In 2012 you  
20 became aware that someone may have stolen your identity.  
21 How did you become aware of that?

22 A. For I think it was about two -- a long period  
23 of time, my mother had misplaced the keys to the post  
24 office box. I found them. Went up to the post office box  
25 and found some mail saying I owed money to some credit

1 cards. I then called the credit cards, and they said I  
2 had opened this account way back when and owed all this  
3 stuff.

4 Q. Okay. Do you recall what credit cards in  
5 2012 that you saw that led you to the knowledge that your  
6 identity had been stolen?

7 A. Credit One.

8 Q. Any other?

9 A. No.

10 Q. All right. Mr. Wood, the -- the account that  
11 is at issue in this case, according to my notes, was  
12 opened in 2013. So with that representation, does that  
13 help refresh your recollection as when you may have become  
14 aware of this?

15 Or was there another Credit One account that  
16 was opened in your name other than the one that's at issue  
17 in this case that you discovered in 2012?

18 A. Like I have said, I do not -- this is really  
19 far back on the time line. I'm not certain of the dates.  
20 However, the moment I discovered it, I did close it and  
21 requested them to start a identity theft investigation.  
22 And I started credit monitoring with Equifax.

23 Q. Okay.

24 A. All on the same day.

25 Q. Had you ever had credit monitoring with

1 THE WITNESS: How was I to know who it was?

2 BY MR. SEARS:

3 Q. Okay. So had you never talked to her about  
4 that before? Did she know that you had become aware that  
5 your identity had been stolen prior to your conversation  
6 with her?

7 A. Yes. She told me it was all my online  
8 activity.

9 Q. But it was after reading this article that  
10 it's usually a family member that you had a discussion  
11 with her, and she said, well, obviously she did it? I  
12 don't understand.

13 A. Yes.

14 Q. Okay. All right. Did you report this claim  
15 of identity theft to any authorities, like law enforcement  
16 authorities?

17 A. Yes.

18 Q. And who did you report this to?

19 A. I don't remember her name. I believe I have  
20 it somewhere. West Point Police Department.

21 Q. Okay. Did you report it to any other law  
22 enforcement authorities?

23 A. Yes.

24 Q. Who else?

25 A. I tried Florida, Orange County, I believe,

1 and I tried New Kent.

2 Q. Is that the sheriff's department?

3 A. I don't recall. Both of those said it had to  
4 be where I was living at the time of the identity theft.  
5 However, West Point would tell me that it's not a Virginia  
6 issue.

7 Q. The West Point Police Department told you it  
8 was not a Virginia issue?

9 A. Yes. Because after this conversation with my  
10 mother when I thought it was her, she moved to Florida.

11 Q. Down to Crystal -- Crystal River? Is that  
12 where she's living?

13 A. I don't know where she's living.

14 Q. When's the last time you spoke to her?

15 A. Somewhere in 2015.

16 Q. What happened with the West Point Police  
17 Department report of identity theft?

18 A. Nothing that I know of. That's how I feel,  
19 anyway.

20 Q. Okay. Did you ever receive a copy of the  
21 police report that you filed?

22 A. I never received one.

23 Q. You say I. Did someone else receive it that  
24 you know of?

25 A. I don't know if someone else got it.

1 Q. Okay.

2 A. I never got one.

3 Q. So you've never -- to this -- to this day,  
4 have you ever seen a copy of the West Point Police  
5 Department report?

6 A. Not that I can recall, no.

7 Q. Okay. Sir, I'm going to hand to your  
8 attorney, who will then review and give to you, what has  
9 been marked as part of Credit One's disclosures as  
10 COB04157 and COB04158. Please take some time and read  
11 through that and let me know when you're done.

12 A. (Pause.)

13 THE VIDEOGRAPHER: Excuse me, Mr. Sears. We  
14 have eight minutes left on the media.

15 MR. SEARS: Okay. Do you want to take a  
16 break?

17 MR. MARCHIANDO: Yeah. If it's a good time  
18 for you, sure.

19 THE VIDEOGRAPHER: This marks the end of  
20 media number 1. We're going off the record at 11:18 a.m.

21 (Recess.)

22 THE VIDEOGRAPHER: This marks the beginning  
23 of media number 2. We're back on the video record at  
24 11:26 a.m.

25 MR. SEARS: As a matter of housekeeping,

1           A.       This was -- I believe this one to be one of a  
2       credit repair company's assistants helped me write a  
3       better letter.

4           Q.       All right. So you had a credit repair  
5       company help you write that letter, or they wrote it for  
6       you?

7           A.       They helped me write it.

8           Q.       Okay. So how did they help you write it?

9                   MR. MARCHIANDO: Object. And I'll instruct  
10       the witness not to answer. I don't know the specifics of  
11       the relationship with the credit repair company, whether  
12       or not they were lawyers.

13       BY MR. SEARS:

14           Q.       Okay. Was the credit repair company lawyers?

15           A.       I don't know.

16           Q.       You don't know. Do you have a belief that  
17       you had an attorney-client relationship with whoever  
18       helped you write that letter?

19           A.       I don't know.

20                   MR. SEARS: Okay. So I'm going to ask the  
21       question again. I don't know if you're going to have an  
22       objection because I don't know that there's a assertion of  
23       privilege with regard to that. Certainly, if it turns out  
24       that there is attorney-client privilege, I would agree to  
25       have his testimony in response to this stricken because of



1       that privilege.

2                       MR. MARCHIANDO: Fair enough.

3       BY MR. SEARS:

4               Q.       What assistance did this credit repair  
5       company provide to you in writing that letter?

6               A.       I showed them what I wrote. They gave me  
7       advice of points that I should put in there, such as the  
8       account number and --

9               Q.       Okay. Was this done in person?

10              A.       No.

11              Q.       Was it a company through the Internet?

12              A.       Yes.

13              Q.       Okay. What was the name of that credit  
14       repair company?

15              A.       Credit Repair.

16              Q.       Okay. How did you find them?

17              A.       Online search.

18              Q.       Okay. I'm sorry. Could I see that?

19                     So by this date, you were aware -- the date  
20       is November 4th, 2014. You were aware that you were  
21       having issues receiving mail at 8315 Mill Creek Road; is  
22       that correct?

23              A.       Yes.

24              Q.       And you were also aware that someone had  
25       stolen your identity, I think your prior testimony was, by

1       this date?

2           A.       Yes.

3           Q.       Okay. So my -- my question is, number one,  
4       you would agree with me that the letter does not state  
5       your belief that your identity has been stolen; is that  
6       correct?

7           A.       That is not correct.

8           Q.       Okay. Read to me there what you believe is  
9       the language that would communicate that your identity had  
10      been stolen.

11          A.       Error.

12          Q.       I'm sorry?

13          A.       The use of the word "error."

14          Q.       In what context?

15          A.       In the context of a mistake.

16          Q.       No. What is the context of the -- where does  
17      the word appear? Can you read the sentence?

18          A.       Since personnel -- personally harmful  
19      institutional error may be in those materials, I formally  
20      request that Credit One Bank document and send this  
21      notarized validation promptly.

22          Q.       Okay. So it's your position as we sit here  
23      today when you use the term "institutional error," you  
24      mean to convey that your mother had stolen your identity.

25          A.       Yes.

1 Q. Okay. Is there a reason why you didn't just  
2 specifically state that, My identity has been stolen and I  
3 believe that Dyan Lollis is the one that did it?

4 A. I had before.

5 Q. Okay.

6 A. I got no reply.

7 Q. All right. But my question is is there a  
8 reason why you did not include that language in that  
9 letter more specifically, other than saying institutional  
10 error and expecting someone to understand from that  
11 identity theft. My question is why wouldn't you just come  
12 out and say, My identity has been stolen.

13 A. I was told innocent until proven guilty kind  
14 of thing.

15 Q. I don't understand that. What does that  
16 mean?

17 A. You are innocent until proven guilty. I had  
18 not taken her to court or anything to prove that she had  
19 stolen my identity.

20 Q. But you had a conversation with her in  
21 October, just the previous month, had you not, where she  
22 says, I don't remember opening the account but obviously I  
23 did and you owed her.

24 A. Yes.

25 Q. And you -- you take that as a -- an admission

1 on her part that she had stolen your identity, correct?

2 A. Yes.

3 Q. And in December you go to the police to  
4 report that she had stolen your identity and had engaged  
5 in the act of -- criminal act of impersonation. And you  
6 specifically name your mother as the suspect, correct?

7 A. Correct.

8 Q. All right. So I -- I -- I guess I'm having a  
9 difficult time reconciling your explanation that you were  
10 told innocent until proven guilty as to the reason why you  
11 would not say, I have identity theft here, Credit One, in  
12 this letter.

13 A. This is not the only letter I wrote to Credit  
14 One. Other ones did include that.

15 Q. Okay.

16 A. Just trying something else.

17 Q. I understand. So -- that's fair. Thank you.  
18 But you don't have a copy of the other  
19 letters --

20 A. No.

21 Q. -- that you sent to them. You don't have a  
22 diary, and you don't -- as we sit here today, you don't  
23 have an independent recollection of the number of letters  
24 or the dates of those letters.

25 A. I had -- I do have a copy of.

1 Q. Do you recognize that document?

2 A. Vaguely. But, yes.

3 Q. What do you recognize that document to be?

4 A. Another letter I sent to Credit One Bank.

5 Q. All right. And did you also have assistance  
6 in preparing that letter?

7 A. I don't recall.

8 Q. Okay. Did you write that letter?

9 A. Yes.

10 Q. What was the purpose of writing the letter?

11 A. To try and get the Credit One report  
12 resolved.

13 Q. Okay. You would agree with me that you do  
14 not state in that letter your claim that your identity had  
15 been stolen, correct?

16 A. In this one, correct.

17 Q. All right. And it doesn't even include the  
18 language "error" or the word "error" or language  
19 "institutional error," correct?

20 A. Correct.

21 Q. And is that date the correct date, as far as  
22 you know, of the date that you wrote that letter?

23 A. I don't remember.

24 Q. Okay. But as you sit here today, you can't  
25 say that that is not the date that you wrote that letter,

1 December 9th, 2014.

2 A. Correct.

3 Q. And the day before, you had gone into the  
4 West Point Police Department to report an identity theft  
5 and specifically named Dyan Lollis as the suspect,  
6 correct?

7 A. Correct.

8 Q. And the day that you wrote this letter on  
9 December 9th, you went back to the police department and  
10 gave Sergeant Woodson that Credit One bill dated  
11 August 15th, 2013, that we previously talked about,  
12 correct?

13 A. I don't recall the specifics of it, but --

14 Q. But that's the date that you gave the --  
15 according to the report, that you gave the Credit One bill  
16 to Sergeant Woodson, correct?

17 A. If that's what it says.

18 Q. All right. Is there a reason why you didn't  
19 advise Credit One of your claim that your identity had  
20 been stolen on -- in that letter dated December 9th, 2014?

21 A. They reply with a lot of legal terms saying I  
22 need a police report proving her guilty.

23 Q. Okay. So I -- I don't understand. Can you  
24 explain your answer a little bit more? My question is why  
25 did you not include in that letter your claim that your

1 identity had been stolen, whether or not you specifically  
2 named Dyan Lollis or not.

3 And your response was because they will reply  
4 something. But I don't understand why you didn't include  
5 that. How does that play --

6 A. I get a response from them this way. When I  
7 don't say identity theft, I get a response. If I say  
8 identity theft, it's like it was lost in the mail, or they  
9 give me some around -- something to the effect of I need a  
10 police report, I need the court findings, I need --

11 Q. All right. So I just want to make sure I  
12 understand what you're saying. And if I get this wrong,  
13 correct me. Okay?

14 You did not tell Credit One in the  
15 December 9th, 2014, letter that your identity had been  
16 stolen because one of the reasons is that their response  
17 may get lost in the mail. Is that correct?

18 MR. MARCHIANDO: Objection. Mischaracterizes  
19 his testimony.

20 MR. SEARS: I think it -- that's fine. The  
21 record speaks for itself. I think it specifically quotes  
22 what he said.

23 THE WITNESS: I don't get a reply.

24 BY MR. SEARS:

25 Q. Okay. That if you -- you believe that if you

1 had put identity theft in there, that Credit One would not  
2 have replied to your letter.

3 A. There is a strong correlation to me putting  
4 identity theft and naming my mother to no reply.

5 Q. What do you base that on?

6 A. A correlation?

7 Q. Yeah.

8 A. Do -- do you know the word correlation?  
9 There's -- it's not a connection. But it would be like, I  
10 drink water but I don't have cancer. Water -- correlation  
11 of water and not having cancer.

12 Q. Okay. What I'm -- what I'm asking is you --  
13 you have expressed the opinion there that if you had  
14 included a disclosure to Credit One of your claim that  
15 your identity had been stolen, that there is a correlation  
16 then to Credit One not responding to your letter.

17 My question to you is on what basis do you  
18 make that statement that there is a correlation. What  
19 experience had you had in the past with Credit One or any  
20 other creditor or utility company or any other entity  
21 where you've raised the issue of identity theft that you  
22 have not received a response?

23 A. Credit One.

24 Q. Okay. When?

25 A. I don't recall the dates.



1 to Karen?

2 A. I don't remember the names of the people  
3 working in the office and whatnot, but --

4 Q. How many times did you make a request for a  
5 police report?

6 A. Quite a few. I didn't --

7 Q. Can you estimate?

8 A. Seven.

9 Q. Seven times you made -- over what period of  
10 time?

11 A. Sixty days.

12 Q. Seven times over 60 days. Starting what  
13 month and year?

14 A. I don't know.

15 Q. Well, it would have been after December of  
16 2014, either that month or after, correct? Because you  
17 didn't go to the police until then.

18 A. That would make sense.

19 Q. Do you recall ever receiving an affidavit of  
20 fraud from Credit One in the mail for you to fill out?

21 A. No.

22 Q. Do you recall them telling you that they were  
23 going to be sending you an affidavit of fraud and asking  
24 you to fill it out and return it?

25 A. No.

1           Q.       I'm going to show you what has been disclosed  
2       as COB04160 through same prefix ending with 2. Mr. Wood,  
3       I am handing you this document, and I will represent to  
4       you that this is a sample letter that's been produced by  
5       Credit One Bank of the form letter and then attachment  
6       regarding affidavits of fraud that they send to customers  
7       who either write or call in claiming that their identity  
8       had been stolen. Okay?

9                    I show this to you to see if any of this  
10       looks familiar to you that might refresh your recollection  
11       as to whether or not you received such correspondence from  
12       Credit One at any time.

13           A.       It's my first time seeing it.

14           Q.       Okay. Thank you. Sir, I will represent to  
15       you that in our review of records, those are the only two  
16       letters that we could find that you had sent directly to  
17       Credit One, the ones that I'd shown to you, the  
18       November 4th and December 9th, 2014, letters.

19                    Are you able to state as we sit here today  
20       whether you had sent any other letters directly to Credit  
21       One?

22           A.       Yes.

23           Q.       Okay. Give me the -- the dates of those  
24       letters.

25           A.       I don't know the dates.

1 Q. Okay. Can you give me the approximate dates?

2 A. I don't know the dates.

3 Q. Okay. Can you give me the approximate dates?

4 A. I don't know the dates.

5 Q. You can't approximate the dates for me?

6 A. I don't know the dates.

7 Q. Do you know the year?

8 A. I don't know the dates.

9 Q. How many letters were there? In addition to  
10 the two that we have here.

11 A. I want to say three.

12 Q. Three more letters in addition to the two  
13 that we have. So a total of five letters?

14 A. I believe so. Yes.

15 Q. All right. Again, these are correspondence  
16 directly with Credit One, not to a credit reporting  
17 agency. I just want to make that clear.

18 A. Correct.

19 Q. You understand that, and you're -- it doesn't  
20 change your previous answer, correct?

21 A. Correct.

22 Q. All right. What were those other three  
23 letters about? Let's take the first letter.

24 A. All three of them were about identity theft  
25 and I don't know what this account is.

1           Q.       All three of them -- okay. Am I to  
2 understand your testimony that you sent three more letters  
3 at some point to Credit One wherein you raised your claim  
4 of identity theft on this account that we're dealing with  
5 in this case?

6           A.       Yes.

7           Q.       Further, am I to understand your testimony  
8 that you do not have a copy of these letters?

9           A.       Correct.

10          Q.       That you do not know the dates of these  
11 letters.

12          A.       Correct.

13          Q.       That you cannot approximate the dates for  
14 these letters.

15          A.       Correct.

16          Q.       Do you recall receiving any responses from  
17 Credit One either by mail or -- or telephone to the three  
18 letters that you sent in addition to the two that we have  
19 on record?

20          A.       I got no response.

21          Q.       You received no response.

22          A.       I received no response.

23          Q.       Okay. Do you know how many -- I may have  
24 asked this. If I did, I apologize. Do you know how many  
25 times you spoke with Credit One directly on the telephone?

1 A. A lot.

2 Q. A lot. Can you approximate that for me?

3 A. Twenty-five-some times.

4 Q. Twenty-five more times -- twenty-five or more  
5 times on the telephone?

6 A. Over the phone. It was -- it was a really  
7 big number.

8 Q. Okay. But you didn't keep a record or diary  
9 or log of those telephone calls.

10 A. No.

11 Q. It would be all up here in your memory?

12 A. Uh-huh.

13 Q. Okay. But you -- are you able to  
14 specifically remember the details of any of those 25-plus  
15 phone calls?

16 A. Most of them ended with a forever -- almost a  
17 positive feedback loop of let me transfer you, let me  
18 transfer you, until eventually I end up back to the first  
19 person who originally started the transfer loop.

20 Q. Do you have any witnesses who have been  
21 involved in the telephone call with you or witnessed your  
22 phone call with Credit One where this has occurred?

23 A. Yes.

24 Q. Who?

25 A. George Brannon.

1 Q. Who's George Brannon?

2 A. A friend that I stayed with for a while.

3 Q. And he would be able to testify specifically  
4 with regard to your telephone calls with Credit One?

5 A. Yes. Because I said it would be -- it would  
6 be interesting, watch how long they will keep transferring  
7 this -- this call.

8 Q. And what is George Brannon's address?

9 A. I don't know his address.

10 Q. What is his telephone number?

11 A. I don't know his telephone number.

12 Q. What city does he live in?

13 A. Williamsburg.

14 Q. And did he -- was he able to hear both sides  
15 of the conversation or just one side?

16 A. Yeah. Speakerphone.

17 Q. Speakerphone? And how many occasions did he  
18 do this?

19 A. It was a couple times. It's not funny after  
20 you use the same joke.

21 Q. I'm sorry?

22 A. That Credit One would just keep transferring  
23 me forever and never actually answer any of my questions  
24 about identity theft.

25 Q. But you said something about a joke.

1           A.       It seemed to be like they were taking me like  
2 a joke.

3           Q.       Oh, I see. You didn't feel Credit One was  
4 taking you seriously.

5           A.       No.

6           Q.       Okay. All right.

7           THE VIDEOGRAPHER: Excuse me, Mr. Sears. We  
8 have five minutes left on the media.

9           MR. SEARS: Okay. Do you mind if we take a  
10 little bit longer of a break, number one, to just take a  
11 break and then, number two, I'm going to move into kind of  
12 a different, more direct, form-feeding type of  
13 examination. So it will give me some time to organize a  
14 little bit.

15          MR. MARCHIANDO: Okay. Sure. How long do  
16 you think?

17          MR. SEARS: Well, do you guys want to take  
18 a -- a lunch break? There's a lot of documentation that  
19 I'm going to go through. We can go off the record. I'm  
20 sorry.

21          THE VIDEOGRAPHER: Okay. One second, sir.  
22 We're going off the video record at 12:46 p.m.

23          (Recess.)

24          THE VIDEOGRAPHER: This marks the beginning  
25 of media number 3. We're back on the video record at

1 1:08 p.m.

2 BY MR. SEARS:

3 Q. All right, Mr. Wood. Before getting into the  
4 documents, I just want to go through just some  
5 straightforward questions and get your responses to them  
6 on the record.

7 Did you apply for the Credit One credit card  
8 that's at issue in this case?

9 A. No.

10 Q. Did you ever use the credit card issued by  
11 Credit One at issue in this case for purchases of  
12 merchandise, services, or cash advances?

13 A. No.

14 Q. Did you ever authorize anyone else, orally or  
15 in writing or given consent to anyone, to use the Credit  
16 One credit card for purchases of merchandise, services, or  
17 cash advances?

18 A. No.

19 Q. Have you ever received any goods, services,  
20 or otherwise benefited directly or indirectly from the  
21 Credit One credit card account, to your knowledge?

22 A. No.

23 Q. With regard to not just the Credit One  
24 account but as to all your credit reporting issues that  
25 you've experienced in the last few years, did you have a



1 particular system or method for keeping documentation that  
2 you received or sent out related to your credit reporting  
3 issues?

4 A. No.

5 Q. We have received disclosures from your  
6 counsel of certain documents that you had in your  
7 possession, custody, or control related to the credit  
8 reporting issues gen -- generally.

9 Do you currently have any documents that you  
10 have not provided to your counsel?

11 A. No.

12 Q. What you provided to your counsel, is that a  
13 collection of everything that you have received regarding  
14 these credit issues in the last few years, or have some  
15 been lost or thrown away or discarded in some way?

16 A. That was everything I had.

17 Q. Okay. All right. So I am going to show a  
18 series of documents to you now. The first set is  
19 designated as EXPWOOD, underscore, 0000025 through the  
20 same prefix ending in 46 instead of 25. And for matter of  
21 convenience, I will refer to that designation as Experian  
22 disclosures.

23 They appear to be duplicates of a set of  
24 documents that have the prefix EXPWOOD, underscore, SUBP,  
25 underscore, 0000009 through same prefix ending in 30. And

1 also appear to be the same document that is produced with  
2 the same prefix ending in 107 through 128. And with  
3 regard to that prefix, the EXPWOOD SUBP, I'll refer to it  
4 as Experian subpoena documents.

5 So we've got the Experian Rule 26(a)(1)  
6 disclosures and then their subpoena responses that include  
7 what appears to be duplicates of what was in that.

8 MR. MARCHIANDO: All right. So then what are  
9 we doing? You're going to give us --

10 MR. SEARS: Just one set, if that's okay with  
11 you, unless you want to inspect all three of them. But  
12 this is going to be a matter --

13 MR. MARCHIANDO: No. That's fine.

14 MR. SEARS: -- later on I'll work out with  
15 Suzie to narrow down the documents that we use because  
16 there's a lot of duplicates.

17 BY MR. SEARS:

18 Q. So, Mr. Wood, for the purpose of my question,  
19 I -- I just want you to look at page 1. It says page 1 of  
20 20. It appears to be a communication from Experian to  
21 you. It's addressed to David Wood, 3990 Chelsea Road,  
22 West Point, Virginia, and the date is June 25th, 2014.

23 Two questions. First of all, number one, is  
24 this the complete address for the address that you  
25 referred to earlier when you said it was 30-something